

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 CYMEYON HILL

12 Plaintiff,

13 v.

14 TROTH, et al.,

15 Defendants.
16

No. 2:22-CV-1817-TLN-DMC

ORDER

17 Plaintiff, a civil detainee proceeding pro se, brings this civil rights action under 42 U.S.C.
18 § 1983. The matter was referred to a United States Magistrate Judge pursuant to Eastern District
19 of California local rules.

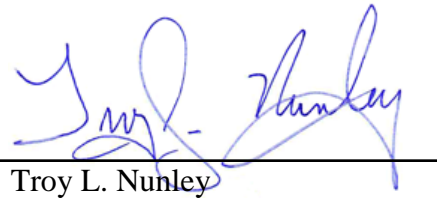
20 On June 13, 2023, the Magistrate Judge filed findings and recommendations herein which
21 were served on the parties and which contained notice that the parties may file objections within
22 the time specified therein. No objections to the findings and recommendations have been filed.

23 The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602
24 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo.
25 *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the
26 magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”).
27 Having reviewed the file, the Court finds the findings and recommendations to be supported by
28 the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 13, 2023 (ECF No. 23) are ADOPTED IN FULL;
2. Defendant's motion to dismiss (ECF No. 17) is GRANTED to the extent the Court agrees that Plaintiff may not proceed on his damages claims against Defendants in their official capacities;
3. Defendant's motion to dismiss (ECF No. 17) is DENIED as to claims against Defendant Suzuki in her individual capacity;
4. Defendant Suzuki shall file an answer to Plaintiff's complaint within 30 days of the date of this order; and
5. The matter is referred back to the assigned Magistrate Judge for further proceedings.

Date: August 4, 2023



Troy L. Nunley
United States District Judge